IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.744 OF 2005

IN

SUIT NO.3091 OF 2005

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Vinyl Chemicals (India)
Ltd. ...Plaintiff

v/s.

Mafatlal Dyes & Chemicals Ltd. ...Defendant

...

Mr.S.Shetye i/b P.C. Mankad for the Plaintiff.
Mr.Z.Andharujina i/b Maneksha & Sethna for the Defendant.

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CORAM: D.K.DESHMUKH, J.

DATED: 6TH JUNE, 2006

P.C.:

By consent of parties summons for judgment is disposed of in following terms:-

(i) The Defendant to pay an amount of Rs.22,00,000/- to the Plaintiff by monthly installment of Rs.50,000/- each.

(ii) Each monthly installment shall be payable on or before 10th of every calender month and the Plaintiff will receive this amount without prejudice to his rights and contentions and subject to the final decision in the suit. First installment shall be payable on or before 10th July, 2006.

(iii) The Plaintiff will within one week from today file an undertaking in this court undertaking to the court to deposit the amount received by the Plaintiff from the Defendant pursuant to this order, if so directed by this Court and on such terms and conditions as may be directed by this Court.

(iii) In case the Defendant pays the amount as directed above, this summons for judgment shall stand disposed of and leave to defend shall stand granted to the Defendant. In that event the Defendant shall file his written statement within a period of four weeks of completing the payment of the entire amount.

(iv) In case the Defendant commits any default in payment of monthly installment as directed above, on the Plaintiff communicating the fact of the default committed by the Defendant to the Prothonotary & Sr.Master by an affidavit with copy to the Defendant, this Summons for judgment will stand granted and the suit shall stand decreed in terms of prayer clauses (a) & (b). While drawing decree, credit shall be given to the Defendant for any amount that may be paid by the Defendant to the Plaintiff pursuant to default.

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